

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:15-CT-03131-D

JULIO ZELAYA SORTO,

Plaintiff,

v.

D. McDONALD, et al.,

Defendants.

**ORDER**

On June 7, 2018, after entering default judgment against defendant Domonique McDonald, the court referred this matter to Magistrate Judge Gates for a hearing and recommendation concerning damages [D.E. 126]. On August 9, 2018, Judge Gates conducted a hearing [D.E. 140]. On August 20, 2018, Judge Gates issued a Memorandum and Recommendation (“M&R”) [D.E. 144] and recommended awarding plaintiff Julio Zelaya Sorto \$25,000 in compensatory damages and \$5,000 in punitive damages. See M&R at 15. No party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).


The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R. The clerk

of court shall enter judgment in favor of Sorto, awarding \$25,000 in compensatory damages and \$5,000 in punitive damages, for total damages in the amount of \$30,000.

Sorto and the remaining defendants, Sgt. Crosson ("Crosson") and Irvin Ryan, Jr. ("Ryan"), entered a settlement agreement. See [D.E. 135]. Counsel for Sorto, Crosson, and Ryan have informed the court that they soon will file documentation concerning that agreement. See [D.E. 143]. Upon filing of that documentation, the clerk of court shall close the case. The court shall retain jurisdiction to make any further orders necessary concerning the judgment against McDonald or the settlement agreement.

In sum, the court ADOPTS the conclusions in the M&R [D.E. 144]. The clerk of court SHALL enter judgment in favor of Sorto against McDonald, awarding \$25,000 in compensatory damages and \$5,000 in punitive damages, for total damages in the amount of \$30,000. Upon filing of the settlement documentation, the clerk of court SHALL close the case. The court shall retain jurisdiction to make any further orders necessary concerning the judgment against McDonald or the settlement agreement.

SO ORDERED. This 12 day of September 2018.

  
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JAMES C. DEVER III  
Chief United States District Judge